

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI NORTHERN DIVISION**

PHILIP BENHAM

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:19-cv-911-HTW-LRA

**CITY OF JACKSON, MISSISSIPPI,
AND JAMES E. DAVIS, in his
official capacity as Chief of
Police for Jackson
Police Department**

DEFENDANTS

UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

COME NOW, the City of Jackson and James E. Davis in his official capacity as Chief of Police for Jackson Police Department, (“Defendants”), by and through counsel, and files this Motion for Enlargement of Time. The Defendants would show unto the Court the following:

1.

The Court entered its Order [38] on November 24, 2020, setting forth a briefing schedule on the issues listed in the Order [38].

2.

The briefing schedule set forth the following schedule:

- The City must file its initial brief no later than **December 2, 2020**.
- The plaintiff must file his reply brief, if any, no later than **December 17, 2020**.
- The City must file its rebuttal brief, if any, no later than **December 23, 2020**.

Order [38] at p. 4.

3.

Counsel for Defendants, City Attorney Timothy Howard, has been called away from work since Monday, November 23, 2020, and is not expected to return to work before Monday, December 1, 2020, due to unexpected illness.

4.

The Defendants therefore request an amendment to the Court's briefing schedule set forth in its November 24, 2020, Order [38], extending the deadline for filing Defendants' initial brief by seven (7) days, for a filing deadline of **December 9, 2020**.

5.

The Defendants further request that Plaintiff's reply brief deadline be extended accordingly, plus an additional week to accommodate the Christmas holiday, for a filing deadline of **December 30, 2020**.

6.

Defendants request that the deadline for filing its rebuttal brief, if any, be extended accordingly, for a filing deadline of **January 4, 2021**.

7.

The City of Jackson Defendants bring this Motion in good faith and it is not sought for the purpose of prejudice or delay.

8.

The undersigned has contacted Plaintiff's counsel, provided the requested changes to the briefing schedule set forth herein, and files this motion unopposed.

9.

In accordance with local rules, Defendants will submit a proposed order to the court by emailing the same to the Court's clerk, and will copy Plaintiff's counsel on the transmission.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request that the Court grant their Motion for Enlargement of Time and allow an additional seven (7) days to file their initial brief, with subsequent deadlines adjusted accordingly, including accommodation for the upcoming holiday as set forth above.

THIS the 25th November, 2020.

Respectfully submitted,

**THE CITY OF JACKSON, MISSISSIPPI, and
CHIEF JAMES E. DAVIS, IN HIS OFFICIAL CAPACITY,
"DEFENDANTS"**

By: /s/ Paige Wilkins
J. Paige Wilkins, MS Bar # 102052
Deputy City Attorney

OF COUNSEL:

Timothy Howard, City Attorney
OFFICE OF THE CITY ATTORNEY
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Jackson, MS 39207-2799
601.960.1799 (telephone)
601.960.1756 (facsimile)

CERTIFICATE OF SERVICE

I, J. Paige Wilkins, one of the attorneys for the Defendants, do hereby certify that I have this day delivered a correct and true copy of the foregoing document via ECF to the following:

Nathan W. Kellum
Center for Religious Expression
699 Oakleaf Office Lane, Suite 107
Memphis, TN 38117
Email: nkellum@crelaw.org

So certified, this the 25th day of November, 2020.

By: /s/ Paige Wilkins
J. Paige Wilkins